

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK (FOLEY SQUARE)**

REBECCA REEVE,
Plaintiff,

CASE NO. 1:23-cv-07280-JLR
ECF Case

v.

ORAL ARGUMENT REQUESTED

MONEX INC.; JOHN GREEN; and
GREGORY LYUMKIS;
Defendants.

**NOTICE OF DEFENDANTS MONEX, INC., JOHN GREEN AND GREGORY
LYUMKIS' MOTION TO DISMISS THE COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law and all prior pleadings and proceedings herein, Defendants Monex, Inc., John Green and Gregory Lyumkis, will move this Court before the Honorable Jennifer L. Rochon, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, for an order (i) dismissing the Complaint for failure to exhaust administrative remedies, for lack of personal jurisdiction, for improper venue, for lack of subject matter jurisdiction, and for failure to state a claim upon which relief can be granted and (ii) granting such other and further relief as the Court deems just and proper under the circumstances. Defendants bring this motion pursuant to Rules 12(b)(1), 12(b)(2), 12(b)(3), and 12(b)(6) of the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1(b), Plaintiff must serve any opposition papers by December 6, 2023, and Defendants must serve any reply papers within seven days after service of the opposition papers.

Defendants respectfully request oral argument on this motion.

Date: November 20, 2023

/s/ Camille R. Nicodemus

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Counsel for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been filed electronically on the 20th **day of November, 2023**. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's electronic filing.

Defendants' Motion to Dismiss the Complaint is DENIED without prejudice. This action was referred to mediation on November 21, 2023. *See* ECF No. 17. Following the mediation process, should the parties not reach a resolution, Defendants may re-file their motion to dismiss. The Clerk of Court is respectfully directed to close the pending motion at ECF No. 14.


/s/ Camille R. Nicodemus

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Counsel for Defendants

Dated: November 21, 2023
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge